

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Office of Conservation and Coastal Lands
Honolulu, Hawaii

Board of Land and Natural Resources
Department of Land and Natural Resource
State of Hawai'i
Honolulu, Hawai'i

FILE NO.: CDUA KA-3281
REF: OCCL: MC
Acceptance Date: December 12, 2005
180 Exp. Date: June 10, 2006

March 24, 2006

REGARDING: State Civil Defense Warning and Communications Device Installation

APPLICANT: State of Hawai'i Department of Accounting and General Resources, 1151 Punchbowl Street, Honolulu HI 96813

AGENT: Wilson Okamoto Corporation, 1907 S. Beretania Street Suite 400, Honolulu HI 96826

LANDOWNER: County of Kaua'i, Department of Public Works

LOCATION: Hā'ena Beach Park, Hā'ena, Halele'a, Kaua'i

TMK: (4) 5-9-005:019

AREA OF USE: Twelve square feet

SUBZONE: Limited

DESCRIPTION OF AREA:

The County of Kaua'i Department of Public Works developed Hā'ena Beach Park for public recreational purposes, and has managed it since 1975. The 5.5-acre park is primarily used for picnicking, swimming, and surfing. It is on the north shore of Kaua'i, on the makai side of Kūhiō Highway between Hanalei and the Nā Pali Coast State Park, 35 miles north of Lī'hue. The topography is generally flat and grassy, with a slightly raised sand dune and sandy beach along the shore. Existing structures include an open-sided pavilion resting on a concrete slab, a nearby picnic table, a restroom facility, and a lifeguard tower. The park is bounded by the sea to the north, Mānoa Stream to the east, Kūhiō Highway and a 200-foot bluff to the south, and several single-family residences to

Earlier improvements to the Park removed the original vegetation and replaced it with grass, coconuts, and hau trees. The Park does not contain any species listed as endangered or threatened by the US Department of Interior Fish and Wildlife Service or the State of Hawai'i Department of Land and Natural Resources.

According to the County of Kaua'i Department of Public Works Parks Division, which manages the Park, Ha'ena Beach Park is not used for organized traditional or native Hawaiian cultural practices. There are no visible archaeological or historic sites.

The terrain consists of a sandy beach to the north, a slightly raised sand dune, and a grassy plateau. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community Parcel No. 150002 0030 C dated March 4, 1987 shows that the Park is located in Zone VE. This is defined as *coastal flood with velocity hazard (wave action); base flood elevation determined*. The FIRM shows a VE base elevation of 36-feet for most of the Park, and a base elevation of 35-feet at Kūhiō Highway.

PROPOSED USE:

The State Civil Defense proposes to install a single 24-inch diameter timber pole holding a Type 30-24 omni-directional Civil Defense warning siren. A siren control box, battery cabinet, radio antenna, and grounding rod will be mounted on the pole. A solar power array will provide power. In this document the term *siren* pole will hereafter refer to the entire structure. The siren pole will be anchored by concrete. The entire structure will use about 12-square feet of land, and rise 45 feet above the surrounding ground (**Figure 3**).

The Civil Defense warning siren is the basic initial method used alert the public of an impending emergency condition, such as an approaching hurricane or tsunami. It will be tested on the first working day of the month at 11:45 a.m. The siren will emit a steady tone with a loudness of 115 to 124 decibels at 100 feet.

On May 17, 2004 the Governor signed Act 076 (House Bill 2439 and Senate Bill 2914, Relating to Civil Defense Sirens). This act *expedites the construction, installation, maintenance, repair, and replacement of civil defense warning or signal devices and sirens by exempting these items from the definition of "development" for purposes of coastal zone management*. The result of Act 067 is that civil defense warning devices became exempt from the provisions of Chapter 205A, HRS, *Coastal Zone Management*.

In October 2003 the County of Kaua'i signed a right of entry agreement for Hā'ena Beach Park with DAGS, acting on behalf of the State Civil Defense Division. This allowed DAGS to proceed with the CDUA for the siren pole.

The siren pole will be situated twelve feet west of the existing park pavilion. The site was chosen to allow for maximum exposure to the sun, and to avoid shadows from the 200-foot high pali mauka of Kūhiō Highway (**Figures 4 & 5**).

The siren pole will be a self-supporting structure with no guy wires. The siren pole will be solar and battery power and will not require an external electrical connection. The pole will not be lit, and so will neither attract nor distract birds and sea turtles.

The installation of the siren pole will take approximately one month. Installation will be implemented by the State of Hawai'i Department of Accounting and General Services (DAGS). A truck-mounted auger will excavate the hole. A 30-foot by 30-foot area will be fenced off during construction. No trees or plants will be removed, and after installation the site will be restored to its original condition. DAGS will require that the contractor follow all best management practices to limit run-off from the site.

PREVIOUS CONSERVATION DISTRICT USE APPLICATIONS AND PERMITS:

The Office of Conservation and Coastal Lands (OCCL) has processed the following Conservation District Use Applications (CDUA), site plan approvals, and enforcement actions on the subject parcel:

CDUA KA-920: Temporary variance for two mobile food concessions.

On June 9, 1977 the Board of Land and Natural Resources (BLNR) approved two mobile lunch wagons to do business during daylight hours in the Hā'ena Beach Park parking lot. The decision was justified based upon the park's isolation and distance from other dining places.

CDUA KA-1134: Commercial (peddling) use

On August 24, 1979 the BLNR approved an application submitted by the County Attorney of Kaua'i to allow the sale of gift items at two peddling stalls in the park. It was noted that the peddling operations would cease on June 30, 1981 in deference to a recently passed County ordinance.

CDUA KA-2445: Application to conduct commercial kayaking tours

On March 11, 1991 OCCL rejected a proposal to allow Outfitters Kaua'i to operate commercial kayak tours out of the park. The decision was based upon BLNR's rejection of similar applications the previous year.

CDUA KA-2443: Application to conduct commercial kayaking tours

On April 20, 1993 OCCL declined to process a second proposal from Outfitter's Kaua'i to operate commercial kayak tours out of the park. OCCL noted that ocean-based activities were no longer processed through OCCL, and the applicant was referred to the Division of Boating and Ocean Recreation.

SUMMARY OF COMMENTS:

The OCCL consulted the following persons and agencies: Kaua'i Board Member; Department of Land and Natural Resources (DLNR) – Division of Conservation and Resource Enforcement (DOCARE), Division of Forestry and Wildlife (DOFAW), State Historic Preservation Division (SHPD), & Kaua'i District Land Office (KDLO); Department of Health (DOH); Office of Hawaiian Affairs (OHA); Office of Environmental Quality and Control (OEQC); County of Kaua'i Department of Planning; and the Princeville Public Library.

The following comments were received:

Office of Hawaiian Affairs

OHA recommends that, due to the project area's sandy matrix and rocky shoreline, an archaeological monitor be present at all times during any ground-altering activities.

Applicant's Response

Public Works will:

- *Hire an archaeological monitor for all ground disturbing activities,*
- *Contact SHPD if any significant deposits or skeletal remains are encountered,*
- *Contract with an archaeological consultant in the near future.*

DLNR State Historic Preservation Division

Hā'ena is one of the more important archaeological and cultural areas on the island. An archaeological inventory at the beach park in 1999 showed one subsurface site composed of charcoal rich, buried land surface beginning about two feet below the surface. Other surveys have found a wide variety of subsurface deposits and burials in the *ahupua`a* of Hā'ena.

SHPD is concerned that unidentified subsurface sites might exist in the project area, and requests that:

- a qualified archaeological monitor be present during all ground-altering activities in order to document and historic properties encountered, and to recommend mitigation measures as needed,
- an archaeological monitoring plan be submitted to SHPD for review prior to the commencement of any ground-altering activities,
- SHPD be notified via facsimile upon the onset and completion of the project.

Applicant's Response

Public Works will:

- *Contract with an archaeological consultant to monitor the excavation, and prepare a monitoring plan as requested*
- *Coordinate the field work start and end date with the SHPD Kaua'i office.*

DLNR Division of Conservation and Resource Enforcement

No Comment

DLNR Division of Forestry and Wildlife

No Comment

ANALYSIS:

Following review and acceptance for processing, the applicant was notified, by letter dated December 12, 2005 that:

1. The proposed use is an identified use within the Conservation District according to the Hawai'i Administrative Rules (HAR), § 13-5-22, P-6, PUBLIC PURPOSE USE, (D-1), *land uses undertaken by the State of Hawai'i or the counties to fulfill a mandated government function, activity, or service for public benefit and in accordance with public policy and the purpose of the conservation district. Such land uses many include transportation services, water systems, communications systems and recreation facilities. The applicant was advised that this finding did not constitute approval of the proposal.*
2. Pursuant to HAR §13-5-40(4), HEARINGS, a public hearing was not required.
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and HAR Title 11, Department of Health, Chapter 200, Environmental Impact Statement Rules, Subchapter 5, §11-200(a)(3)(D), the proposed use was exempt.
4. Pursuant to Chapter 205A-22(16), HRS, the proposed project was exempt from needing a Special Management Area permit.

SECTION 13-5-30 CRITERIA:

The following discussion evaluates the merits of the proposed land use by applying the criteria established in Section 13-5-30, Hawaii Administrative Rules (HAR).

1. *The proposed use is consistent with the purpose of the Conservation District.*

The objective of the Conservation District is to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety, and welfare.

Staff is of the opinion that the proposed action will not impact the natural resources of the park, and that it will positively promote public health, safety, and welfare.

2. *The proposed land use is consistent with the objectives of the Subzone of the land on which the use will occur.*

The objective of the Limited subzone is to limit uses where natural conditions suggest limits on human activities.

Staff is of the opinion that the proposed land use is consistent with the Limited Subzone's identified land use(s).

3. *The proposed land use complies with the provisions and guidelines contained in Chapter 205A, HRS entitled "Coastal Zone Management", where applicable.*

Staff notes that the proposed project is consistent with Chapter 205A.

4. *The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community or region.*

Staff is of the opinion that the project will have little to no impact on the existing natural resources.

5. *The proposed land use, including buildings, structures and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels.*

Staff notes there are existing telephone and electric poles running along the mauka end of the park. The proposed siren pole does not introduce a new use. Staff is of the opinion the proposed structure fits into the locality and surrounding area.

6. *The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable.*

Staff notes that the siren pole will have a minimal impact on the availability of open space at the park.

7. *Subdivision of land will not be utilized to increase the intensity of land uses in the Conservation District.*

The proposed project does not involve subdivision of Conservation District land.

8. *The proposed land use will not be materially detrimental to the public health, safety and welfare.*

The proposed action will not be materially detrimental to the public health, safety and welfare. Staff concurs with the applicant.

DISCUSSION:

The proposed use is an identified use within the Conservation District according to the Hawai'i Administrative Rules (HAR), § 13-5-22, P-6, PUBLIC PURPOSE USE.

Hā'ena Beach Park is currently used by residents and visitors for picnicking, camping, sunbathing, surfing, and swimming. According to the County of Kaua'i Department of Public Works the park is not used by native Hawaiians for organized traditional activities. The installation of the siren pole will cause some minor inconveniences for users of the nearby pavilion, and the monthly test signal will possibly be a minor annoyance to the neighboring houses. This type of testing is standard practice in both the state and the nation, and no mitigation efforts are needed. OCCL staff does not foresee any long-term significant impacts on park users or on the neighboring community.

There are overhead telephone lines and electrical lines along the mauka [southern] edge of the Park. OCCL staff does not believe that the addition of one similarly sized siren pole will result in a significant visual or aesthetic impact.

The flora and fauna at Hā'ena Beach Park has been previously landscaped. The terrain is flat, and approximately 80% covered in Bermuda grass. The park is dotted with a few isolated hau trees and coconut palms. There are no endangered or at-risk species on the site. The pole will not be lit, and so should not impact sea turtles or migrating sea birds. OCCL staff does not believe that the installation and maintenance of the siren pole will result in any significant environmental impact.

Staff is of the opinion that the proposed project will supply a necessary public service, and will help the State and County Civil Defense protect the safety and welfare of the community. OCCL staff believes that the project will have little to no impact on Hā'ena Beach Park's function, beauty, or ecology.

Staff therefore recommends;

RECOMMENDATION:

Based on the proceeding analysis, staff recommends that the Board of Land and Natural Resources APPROVE this application to install a State Civil Defense Disaster Warning and Communication Device at Hā'ena Beach Park (for public safety purposes), subject to the following terms and conditions:

- 1) The applicant shall comply with all applicable statutes, ordinances, rules, regulations, and conditions of the Federal, State and County governments;

- 2) The applicant shall comply with all applicable Department of Health administrative rules. Particular attention should be paid to Hawaii Administrative Rules (HAR) Section 11-60.1-33, "Fugitive Dust" and to Chapter 11-46, "Community Noise Control;"
- 3) Any work done on the land shall be initiated within one year of the approval of such use, and unless otherwise authorized be completed within three years of the approval. The applicant shall notify the Department in writing when construction activity is initiated and when it is completed;
- 4) Before proceeding with any work authorized by the Board, the applicant shall submit four (4) copies of the construction and grading plans and specifications to the Chairperson or his authorized representative for approval for consistency with the conditions of the permit and the declarations set forth in the permit application. Three (3) of the copies will be returned to the applicant. Plan approval by the Chairperson does not constitute approval required from other agencies;
- 5) In issuing this permit, the Department has relied on the information and data that the applicant has provided in connection with this permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings;
- 6) The applicant understands and agrees that this permit does not convey any vested rights or exclusive privilege;
- 7) Where any polluted run-off, interference, nuisance, or harm may be caused, or hazard established by the use, the applicant shall be required to take measures to minimize or eliminate the polluted run-off, interference, nuisance, harm, or hazard;
- 8) The applicant acknowledges that the approved work shall not hamper, impede or otherwise limit the exercise of traditional, customary or religious practices in the immediate area, to the extent such practices are provided for by the Constitution of the State of Hawaii, and by Hawaii statutory and case law;
- 9) During construction, appropriate mitigation measures shall be implemented to minimize impacts to the marine environment, off-site roadways, utilities, and public facilities;
- 10) The applicant will prepare an archaeological monitoring plan and submit it to SHPD, coordinate the beginning and end of the field work with SHPD, have an archaeological monitor present during all ground-altering activities, and contact SHPD if any significant deposits or skeletal remains are discovered;

- 11) Other terms and conditions as may be prescribed by the Chairperson; and
- 12) Failure to comply with any of these conditions shall render this Conservation District Use Permit null and void.

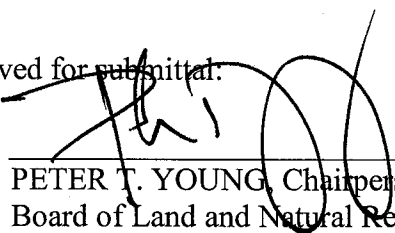
Respectfully submitted,



Michael Cain
Staff Planner

Approved for submittal:

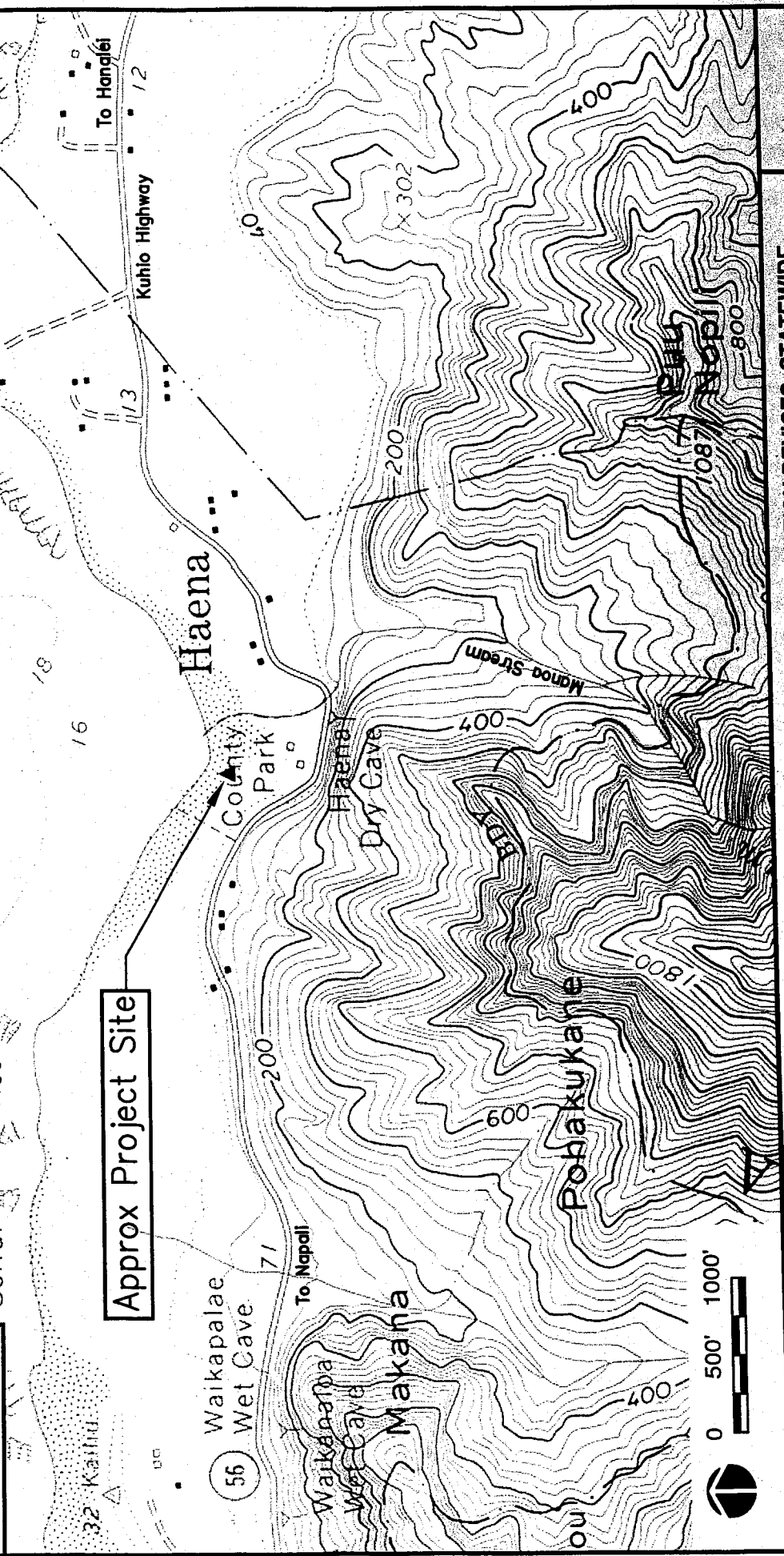
By:



PETER T. YOUNG, Chairperson
Board of Land and Natural Resources

Project Location

NOT TO SCALE



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HAWAII STATE CIVIL DEFENSE, DISASTER WARNING AND COMMUNICATION DEVICES, STATEWIDE

PROJECT LOCATION MAP

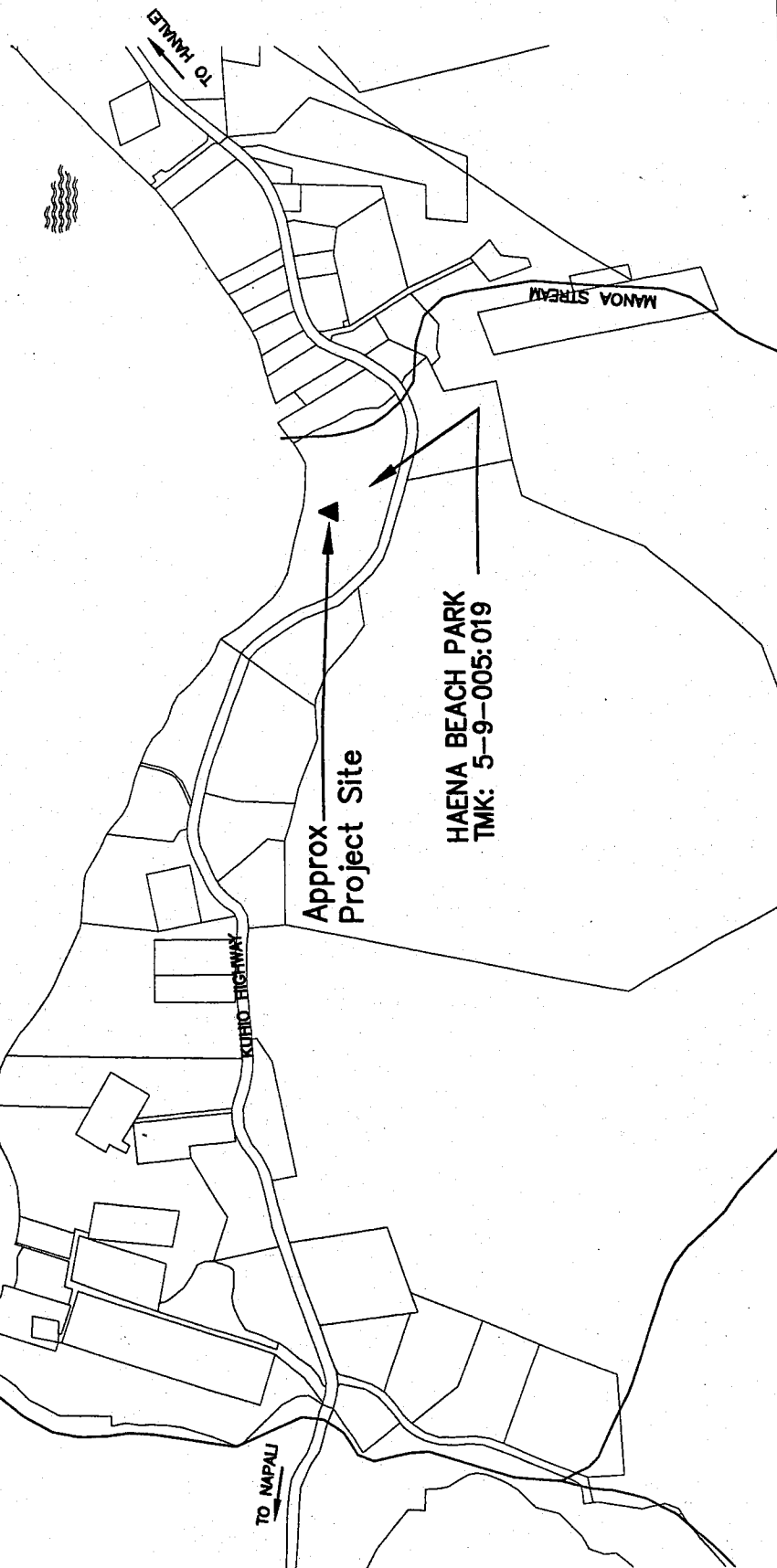
HAENA BEACH PARK, DAGS PROJECT NO. 14-14-7150

FIGURE 1

Project
Location

NOT TO SCALE

PACIFIC OCEAN



Approx
Project Site

HAENA BEACH PARK
TMK: 5-9-005:019

MANOA STREAM

KIHUNA HIGHWAY

TO NAPII

TO HALE

FIGURE
2

HAWAII STATE CIVIL DEFENSE, DISASTER WARNING AND COMMUNICATION DEVICES, STATEWIDE

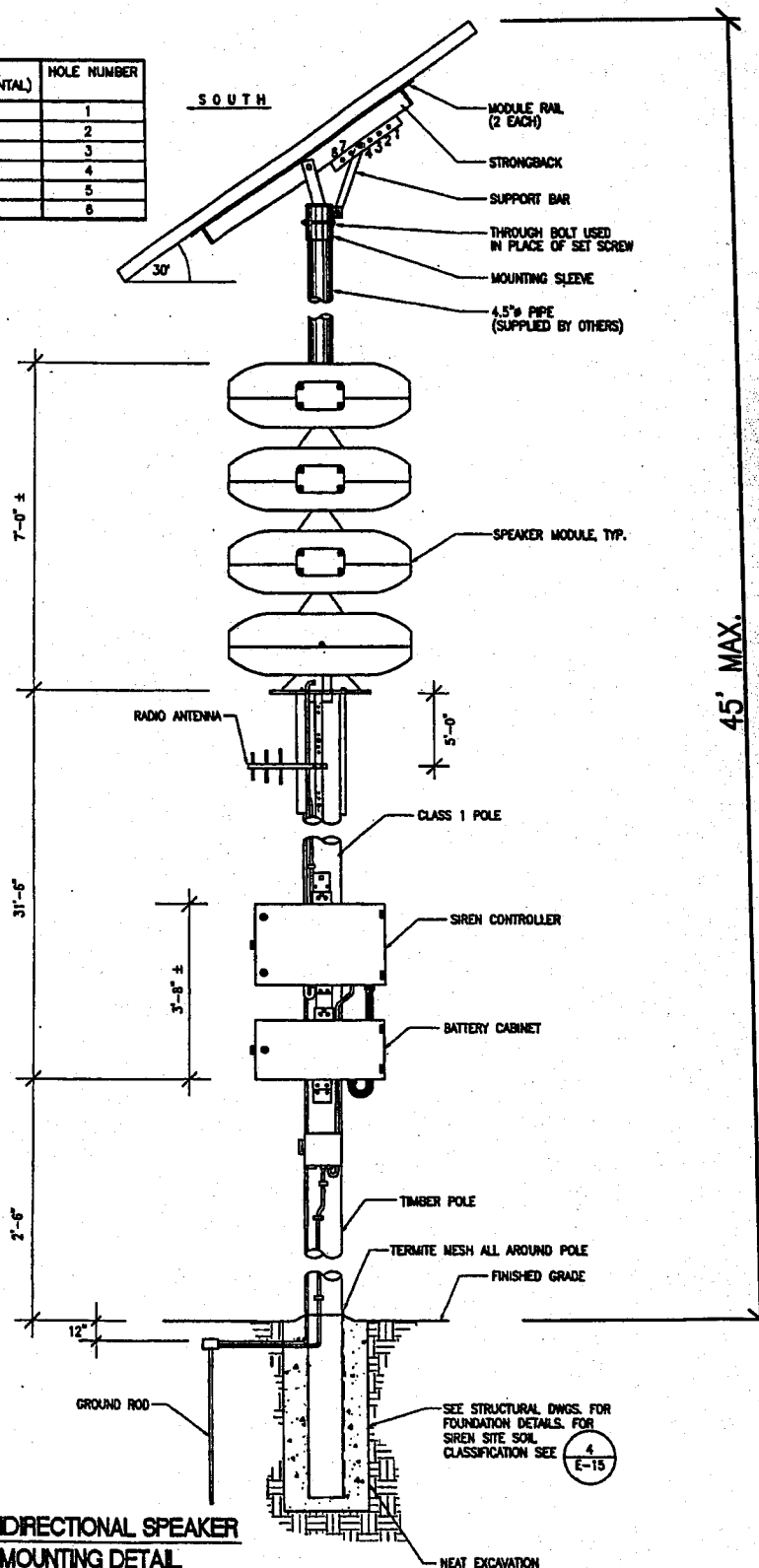
PROJECT SITE MAP

HAENA BEACH PARK, DAGS PROJECT NO.14-14-7150



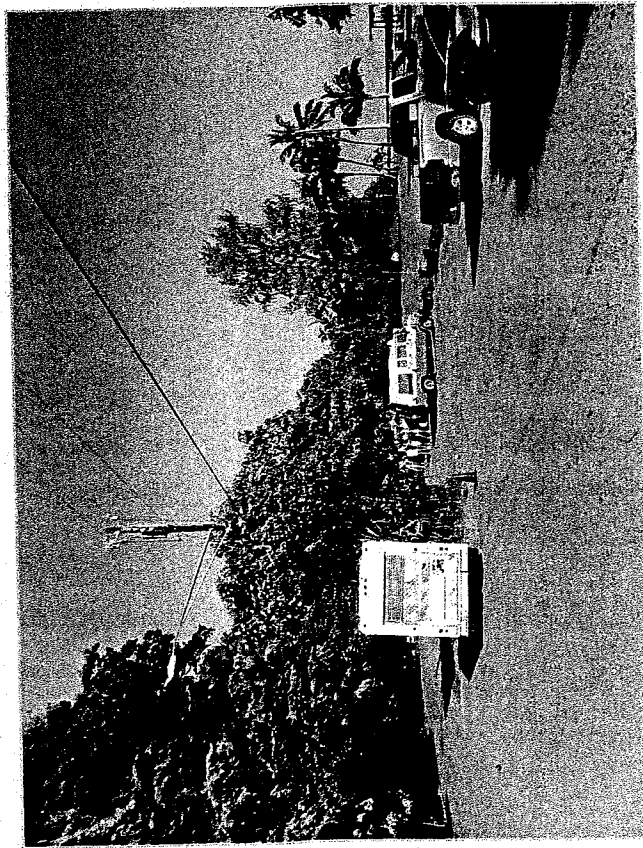
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ELEVATION ANGLE (DEG. FROM HORIZONTAL)	HOLE NUMBER
15°	1
25°	2
35°	3
45°	4
55°	5
65°	6



**TYPICAL OMNIDIRECTIONAL SPEAKER
ARRAY POLE MOUNTING DETAIL**

1
E-15
NOT TO SCALE



Utility poles and overhead lines along Haena Beach Park

Photo

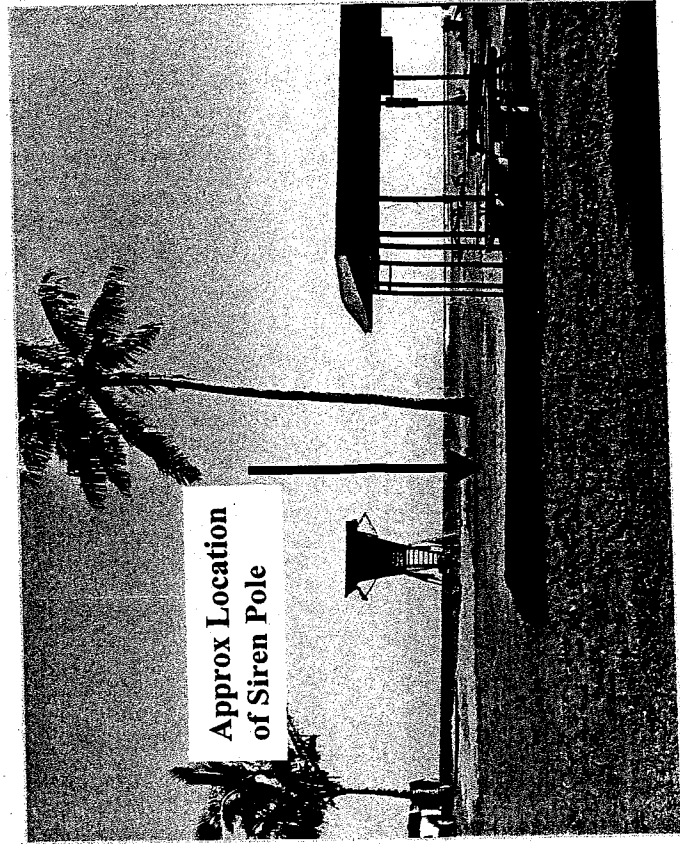
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Photo

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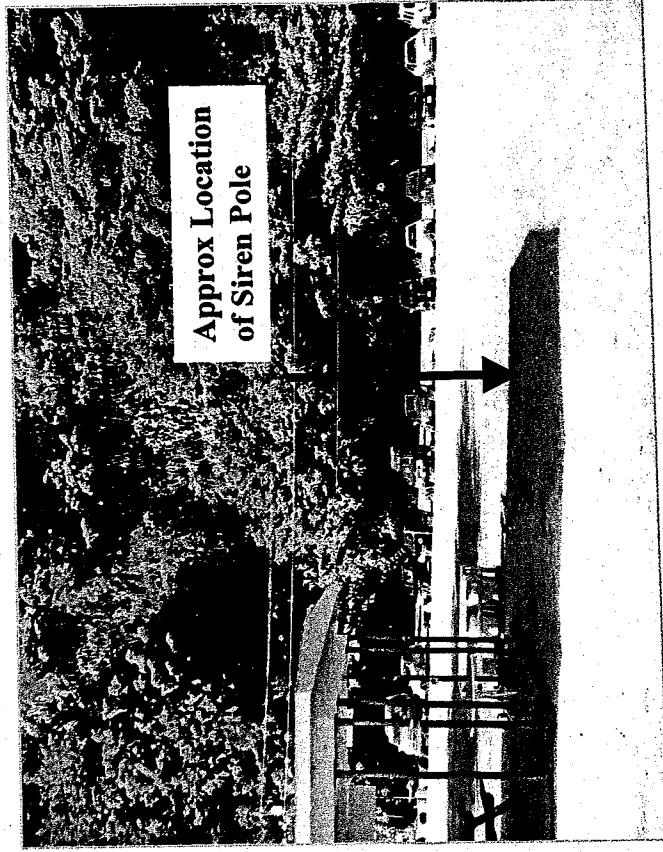
Siren pole project site looking west



Photo

③

Siren pole project site looking north



Photo

④

Siren pole project site looking south

Figure 4 Project Site Photographs

Project
Location

NOT TO SCALE

PACIFIC OCEAN

MANOA STREAM

PHOTO

COCONUT
TREE

EXISTING PAVILLION
STRUCTURE

---& OF STRUCTURE

NEW SIREN
INSTALLATION

2
E-2

HAENA BEACH PARK

LARGE
TREE

PHOTO

PHOTO

PHOTO

PARKING AREA

EXISTING
TOILET
BLDG.

PHOTO

KUHIO HIGHWAY

SCALE: 1" = 60'

SOURCE: DAGS ELECTRICAL DRAWINGS



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HAWAII STATE CIVIL DEFENSE, DISASTER WARNING AND COMMUNICATION DEVICES, STATEWIDE

PROJECT SITE PLAN

HAENA BEACH PARK, DAGS PROJECT NO. 14-13-7150

FIGURE

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